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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,425	06/28/2001	Jody L. Garrard	ADAC 19010	8979

7590

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Corporate Patent Counsel
Philips Electronics North America Corp
580 White Plains Rd
Tarrytown, NY 10591

EXAMINER

SUNG, CHRISTINE

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,425

Examiner

Christine Sung

Applicant(s)

GARRARD ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamura (US Patent 6,084,939).

Regarding claims 1 and 2, Tamura discloses a detection system with a detector (Figure 1, element 52) that acquires scintillation events (Column 4, lines 12-15), an event data processor (Figure 1, element 26) coupled to the detector which is responsive to the event data to produce image information (Figure 1), a controller (figure 1, element 20), responsive to study parameters, which acts to control the detector to perform a desired study (Column 3, lines 30-49); a user input coupled to the controller (Figure 1, element 23) , wherein the user input is operable during the conduct of a study to enable the user to modify the study parameter (Column 3, lines 30-49).

Regarding claim 9, Tamura also discloses that the detection device is preconditioned with certain parameters (Column 3, lines 30-49), initiating the detection device, and modifying parameters before the conclusion of the study (Column 3, lines 30-49).

Regarding claims 4 and 10, Tamura further discloses that the user input also includes photographing time or event data acquisition time (column 3, lines 35-39).

Regarding claim 6, Tamura further discloses that a parameter that can further be modified is the image processing condition, or count criterion for data acceptance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura (US Patent 6,084,939) in view of Brown (US Patent 5,459,769).

Tamura discloses the limitations set forth in claim 1, but does not specifically disclose the use of a gantry to move the detector from an initial position to a final position during the conduct of the study. Although Tamura does not specifically disclose the use of a gantry to move the detector during imaging, it is well known in the art to use a gantry to position detectors as disclosed by Brown. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the gantry disclosed by Brown with the invention

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disclosed by Tamura because Tamura does not limit the position of the detection device and Brown discloses the conventional method of positioning the detectors around a gantry.

6. Claims 5, 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura (US Patent 6,084,939).

Regarding claims 7, 8 and 11, Tamura discloses the limitations set forth in claims 1 and 9. Although Tamura does not disclose specifically that the changes made to the system would affect the subsequent parts of the scan of the image, it would have been obvious that after the changes were made that the changes would take effect immediately because Tamura discloses that the operator has the ability to adapt various parameters during operation. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the changes in parameters take effect in the future scan or part of the scan because the operator is given the ability to affect the parameters at any time.

The limitations set forth in claim 1 have been addressed in the abovementioned paragraphs. Regarding claim 5, although Tamura does not specifically disclose the parameter of the number of frames, he does not limit what types of parameters can be acquired. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the number of frames per study as a parameter so that one could adjust the amount of time necessary for a scan of an image as a function of the resolution desired.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. US Patent 6,425,865- This reference discloses a detection system with real time user input.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Sung whose telephone number is 703-305-0382. The examiner can normally be reached on Monday- Friday 7-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

CS
April 30, 2003


DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800